



City of Seattle

Department of Planning & Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3012186
Applicant Name: Andy Paroline, for 2043 Brooklyn LLC
Address of Proposal: 5043 Brooklyn Ave NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a four-story building containing 50 residential units. No vehicle parking will be provided.

The following approvals are required:

SEPA Environmental Determination – Chapter 25.05 SMC.

Design Review – Chapter 23.41 Seattle Municipal Code (SMC)

SEPA Determination: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND INFORMATION:

The rectangular site, of 8,408 sq. ft., slopes east to west. The site faces onto NE 52nd Street on the north, Brooklyn Avenue NE on the east and an alley on west. The northeast corner of the lot has been scooped out to accommodate a small commercial building at sidewalk level. The zoning of the site is Lowrise (LR3).



Two lots are being combined for proposed project. The corner lot (5049) is occupied by a two-unit residential building and a small, single-story commercial building. The lot to the south (5047) is occupied with a multifamily residential structure.

There has been very little new development in the area in recent times. Directly across Brooklyn Avenue NE is the University Heights Neighborhood Center (the former University Heights Elementary School) which houses a variety of educational and cultural functions and offices. The weekly University Farmers Market is held in the open area south of the structure. The dominant uses along both sides of Brooklyn Avenue NE, however, are residential, with a variety of single family and multifamily structures.

Architectural styles in the area are mixed vernacular and revival styles, none of which stand out particularly other than the wood framed and wooden clad two and a half community center, which is one of the oldest surviving elementary school buildings in the state.

PROJECT DESCRIPTION

The goal is to construct a residential building with a basement level and three above grade floors. The building would include 50 studio units. The only parking proposed is that for bicycles. No commercial space is proposed.

There is no density limit in the LR3 zone for apartments that meet the standards of SMC 23.45.510.C. The proponent intends to meet the Built Green 4-star rating of the Master Builders Association of King and Snohomish Counties that would allow for the fifty unit apartment to be constructed.

PUBLIC COMMENT

The official public comment period for this proposal ended on February 29, 2012. The City received one written comment regarding the project; many more additional public comments were elicited at each of the Design Review meetings. Both general and specific comments from those meetings are included under the Design Review analysis discussed below.

ANALYSIS – DESIGN REVIEW

First Early Design Guidance Meeting –July 11, 2011

Architects' Presentation

Three alternative design schemes were presented by project architects Scott Olson and Yuri Manchik. All of the options included structures located at the center of the site.

The first scheme ("Alternative 1") showed a "U" or a "C" shaped building with the open center of the "C" presented as a courtyard facing onto Brooklyn Avenue NE.

The second scheme ("Alternative 2") showed "Alternative 1" reversed, with the open courtyard facing the alley to the west.

The third scheme (“Alternative 3”) showed an “H” shaped scheme, with the two legs of the “H” parallel to NE 52nd Street and a thinner wing of the crossbar allowing for two smaller courtyards, one facing the alley and the other facing Brooklyn Avenue NE.

The applicants noted that none of the schemes would require departures from development standards.

PUBLIC COMMENT

Approximately ten members of the public attended this Early Design Review meeting. The following comments, issues and concerns were raised:

- Noted that there were existing safety issues associated with the alley, including drug users occupying the space and question the desirability of the residential courtyard facing onto the alley....
- Stated that the proposed structure, no matter the orientation of the scheme chosen, would be out of scale with the rest of the block....
- Objected to the way the proposed structure would cast significant shadows on properties across the alley.
- Opposed the building due to its “lack of fit” within the block.
- Encouraged a high gated enclosure should the courtyard face the alley.
 - Concerned with the livability of the studio units, intended for student: “it would be worse than a jail.”

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following comments relating to the proposal.

- Referring to comments from the public about the “fit” of the proposed structure within the neighborhood, members of the Board noted that the applicants had provided insufficient analysis of the nine block surrounding area and immediate context for the Board to evaluate the siting and massing schemes proposed.
- The proposal needs to show more information regarding entrances and the quality of the outdoor spaces being proposed.
- Needs to provide sections to reveal the relationship of the proposed structure to existing and finished grades.
- Show the existing vegetation on site and indicate plans to remove or to enhance the existing grades and vegetation. There was discussion of a chestnut tree on site. Was there an intention or plan to maintain that tree?
- Since the lowest floor contains units below grade, supply more details and information regarding light and windows, window wells as they deal with issues of egress, safety and security.
- Provide more street-level renderings of proposed structure.

Commenting on the proposed schemes, the Board agreed that the “H” scheme would probably work best, given the program of providing a number of smaller units.

The NE 52nd Street façade would be prominent and benefit from modulation and refinement because of that fact.

Although the Board appreciated the attempt, in each of the proposed schemes, to create a symmetrical expression, the configuration and location of the site called out for a special, even counterpunctal treatment of the northeast section and corner of the proposed structure.

Specifically, the Board asked that the applicants return for a second Early Design Guidance Meeting. The applicants should return prepared to supply greater information relating to the issues related above.

The Board asked that at the Second EDG meeting the design team should provide some three dimensional views of the broader built environment , indicating graphically how the proposed structure would fit into the existing built context .

Provide at least some preliminary sun and shadow studies to indicate how the new structure would impact adjacent built structures.

At the Second EDG meeting the applicants should be prepared to present examples of their previous work, especially such works that would relate to the type and scale of the structure proposed for the subject site.

At the Second EDG meeting the applicants should be prepared to have some initial discussion of materials proposed for them structure.

After the presentation at the forthcoming meeting the Board would identify those Citywide Design Guidelines & Neighborhood specific guidelines (as applicable) that would be of the highest priority for a successful project.

The Board identified the Citywide Design Guidelines & Neighborhood specific guidelines (as applicable) of highest priority for this project.

DEVELOPMENT STANDARD DEPARTURES

The Board’s recommendation on the requested departure(s) will be based upon the departure’s potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departure(s). The Board’s recommendation will be reserved until the final Board meeting.

At the time of the First Early Design Guidance meeting, the design team indicated that no departures from development standards were being requested.

BOARD DIRECTION

As noted above, at the conclusion of the EDG meeting, the Board recommended the project should return to the Board for an additional EDG meeting.

Second Early Design Guidance Meeting, August 1, 2011

A second Early Design Guidance meeting was held on Monday, August 1, 2011, at which time the applicants presented their three potential schemes for the site.

An expanded presentation packet and power-point presentation specifically addressed concerns the Board had expressed at the first Early Design Guidance meeting. Sections and site perspectives clarified the ways each of the schemes fitted into the topography of the site. Drawings portrayed a broader and more detailed sense of the neighborhood context. The design team shared with the Board a portfolio of its previous design solutions and finished work. Sun and shadow studies were shown that focused primarily on the impacts the proposed development on site would have on properties across the alley to the west.

Public Comment

As at their earlier meeting comments from members of the public touched upon concerns regarding security and safety, the “fit” of the proposal within the existing built environment , and the adequacy of provisions for parking, since it was maintained that both residents and visitors would inevitably travel there by private automobiles. Some members of the public remained troubled by the “livability” and desirability of such small residential units. Additional comments focused on the need for gating the plaza areas for security reasons, on the need for an on-site live-in manager, and a persistent concern that the size of the proposed units and terms of tenancy proposed would promote a transient population that would have no vested interest in the rest of the block or the community. Trash and recycling functions and loading and unloading had not yet been addressed conceptually or graphically.

Board Deliberations

The Board commended the applicants on the improved quality of the presentation and the specific responses that had been made to their requests for more detailed information. Among major issues the Board suggested still needing addressing or needing more detailed development were the following:

- Safety was an issue and how a sense of security and safety was to be provided was still not clear, in particular for the plaza area off the alley –which would benefit from providing sight lines and physical transparency through the building--, for the basement units, and for a seeming lack of eyes on a variety of nooks and crannies; security as an issue needs to be taken seriously and addressed as an essential design component;
- There was no clear hierarchy nor pathways established from sidewalk to entries; a sense of primary and secondary entry needed to be established and made apparent;

- The building was a corner building and not an in-fill or slot building within the block; addressing this fact should lead to an integrated resolution of hierarchy of entries and the functionalities of spaces within the plaza area; the plaza area definitely needed to be carried around the corner of the structure along NE 52nd Street;
- Design of the Plaza terraces and the street/sidewalk clearly was in need of integration; it appeared awkward and in need of further thought and design.
- In general, the edge conditions all around the site were in need of refinement.
- Questions were raised about the constructability of the structure, given the lack of ganging the infrastructure of plumbing, etc.; a concern was voiced whether the design of the units, given their small size, was as refined as it needed to be to obtain truly livable units.

Given the general comments from the Board members, the following Design Guidelines from the University Community Guidelines Checklist were identified as being of highest priority for developing a successful MUP application and well-designed building: A-1, A-3, A-6, A-7, A-10, C-2, C-4, D-7, and E-2 and E-3.

A-1 Responding to Site Characteristics

The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

- 1. On mixed-use corridors orient primary business and residential entrances to the commercial street;*
- 2. In multifamily developments (excluding townhouses) it is generally preferable to have one walkway from the street;*
- 3. Units facing a courtyard should have a porch, stoop, deck or seating area associated with the dwelling unit and;*
- 4. In residential developments, front yard fences over four feet in height that reduce visual access and security should be avoided.*

A-6 Transition Between Residence and Street

For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

A-7 Residential Open Space

Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space. The ground-level open space should reinforce positive streetscape qualities, provides for the comfort, health and recreation of residents, and increases privacy and reduces visual impacts to all neighboring properties.

A courtyard in townhouse or cluster developments may, in some cases, be better than individual open space for each unit.

A-10 Corner Lots

Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

C-2 Architectural Concept and Consistency

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

Buildings should exhibit form and features identifying the functions within the building.

In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

C-4 Exterior Finish Materials

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

D-7 Personal Safety and Security

Project design should consider opportunities for enhancing personal safety and security in the environment under review.

E-2 Landscaping to Enhance the Building and/or Site

Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

E-3 Landscape Design to Address Special Site Conditions

The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

Retain existing large trees wherever possible.

The above guidelines should be related directly to comments made by the Board in their deliberations.

Having determined those guidelines of highest priority for the proposal at 5043 Brooklyn Avenue NE, the Board recommended that the application #3012186 proceed to design development in light of the guidelines and to MUP application.

Interim Recommendation Meeting, April 2, 2012

PUBLIC COMMENT

Approximately twenty members of the public attended this Recommendation Meeting. The following comments, issues and concerns were raised:

- Security issues, especially those associated with the alley, had not been addressed; specifically, the residential courtyard facing onto the alley needed to limit access.
- Project was too unusual for the neighborhood, the window treatment in particular.
- Lack of parking remained an issue.
- Concerns remained regarding the livability of the units.
- On a corner lot but still not treated as a corner building.

BOARD DELIBERATIONS

- The approach to security remained too passive.
- The site plan was improved, but still did not address security issues.
- The artwork/structure at the corner did not feel integrated with the open space or the building and doesn't address the corner situation.
- The ground plane needs softening.
- The Board did not feel that there had been a clear sense of real development since the last presentation.
- The railings seemed an afterthought. What considerations influenced their design?
- The landscaping and treatment of entries lacked a sense of hierarchy from private, semi-private, semi-public and public spaces.
- The presentation needed to convey a greater sense of details and materiality.
- The placement and treatment of the windows needs to be more purposeful and choices made more convincing.

The recommendation summarized below was based on the design review packet dated April 2, 2012, and the materials presented and verbally described by the applicant at the April 2, 2012 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the five Design Review Board members recommended that the applicants return for another presentation of the subject design.

The Board asked that the applicants return with further refinements and be prepared to address the issues related above. Specifically, the ground plane at each of the building's edges stood in need refinement to convey a clear sense of pathways, a hierarchy of spaces, and an abiding concern for safety and security. The relationship between the public realm and the semi-private outdoor space at the corner of Brooklyn Av NE and NE 52nd needed special attention, as did the relationship of the private courtyard that faces the alley. The Board recommended that the newly completed "Duncan Place" development, although of a different scale and architectural vocabulary, might be worth studying for the ways the ground plane had been addressed and how elements of fencing, railings, walls, steps and landscaping had provided a satisfactory solution to some similar grade plane and domain challenges.

It was the Board's expressed expectation that at the next Recommendation meeting the applicants should be prepared to show details of proposed building finishes, landscaping materials, as well as refined designs of proposed railings, fences and gates.

FINAL RECOMMENDATION MEETING—MAY 21, 2012

In response to comments and guidance rendered at the first Recommendation Meeting, the architects focused on developments in design that centered on issues of 1) clear pathways and hierarchies of spaces relative to building entries, 2) the relationships between the public realm and private / semi-private outdoor spaces, especially at the corner of Brooklyn Avenue NE and NE 52nd Street, 3) elements to promote inhabitants' security, and 4) details regarding the rationale, placement, and treatment of the building's windows

The architectural team presented an entry porch, stair and railings which had been detailed to provide a clear sense of main entry and a secure point of arrival. Fencing around the perimeter and a detailed exterior lighting plan addressed issues of safety. The patio area at the building's northeast corner, related to a secondary ground floor entry, provided a pleasant amenity area for residents while addressing the corner as had been requested by the Board. The fenced and gated alley-facing patio and roof deck and roof garden complemented the amenity space located at the front of the building at ground level. The art element at the southeast corner, identified by the Board as a distraction rather than as a contribution to the overall design, had been removed, as had the large window surrounds on all three upper floors of the corner facades above the corner amenity area. Thinner window surrounds and a metal scrim raised proud of the north- and east-facing facades at the corner provided a counterpunctal motif to the larger window surrounds on the other exterior facades.

The treatment of the south and east façades reinforced the "quirky" urban design aesthetic which had been chosen to capture a playful character which had been encouraged by some members of the Board's comments since the first Early Design Guidance meeting.

Public Comment

Some members of the public attending the meeting remained concerned about parking impacts, some safety and nuisance issues. Others remained concerned about the "fit" of the design with the established fabric of the neighborhood. Some others spoke favorably of the direction the design development had taken and saw the structure as arresting and interesting, even if not totally aesthetically compelling.

Board's Deliberations and Recommendations

It was noted by the Board that the proposed design had responded well to concerns regarding the materiality of the fences and railings, differentiation within the overall massing of the structure, modulation, concerns of safety and a more pleasant seating of the building within its site.

The treatment of the north and east façades reinforced the “quirky” urban design aesthetic which had been chosen to capture a playful character which had been encouraged by some members of the Board’s comments since the first Early Design Guidance meeting. There was still some slight dissent, however, regarding the oversized expression given the windows and the color palette chosen to accent them. After discussion, however, it was agreed that the design team had offered considered and acceptable responses to those concerns previously raised by the public and the Board at earlier meetings. Most apparent was the pro-active approach to security that had been taken by the design team. The Board recommended approval of the design as presented.

The approval was tempered by one concern and a condition. The Board agreed that the applicant should work with the land use planner and provide an acceptable design that would provide security and some sense of privacy for the patio amenity area at street level, facing at the corner of Brooklyn Avenue NE and NE 52nd Street. This could best be accomplished, it was suggested, by means of both additional hardscape, plantings, and choice of outdoor furnishings that would curtail easy direct access off 52nd Avenue.

DECISION – DESIGN REVIEW

The Director of DPD has reviewed the recommendations of the Design Board members present at the final Design Review recommendation meeting and finds that the Board acted within its authority and the Board’s recommendations are consistent with ***Design Review: Guidelines for Multifamily & Commercial Buildings*** and do not conflict with regulatory requirements.

Therefore, the proposed design is **APPROVED** as presented at the May 21, 2012 Design Review Board meeting.

ANALYSIS – SEPA

This analysis relies on the ***Environmental (SEPA) Checklist*** for the proposed development submitted by the applicant on September 14, 2011, which discloses the potential impacts from this project. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal.

Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: *“where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,”* subject to some limitations. Under specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

Short-Term Impacts—Construction Related Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality, noise, and construction traffic warrant further discussion.

Air Quality

The applicant will take the following precautions to reduce or control emissions or other air impacts during construction:

- *During excavation and construction, debris and exposed areas will be sprinkled as necessary to control dust and truck loads and routes will be monitored to minimize dust-related impacts. Due to the small size of the site, an on-site truck wash and quarry spall may not be necessary or appropriate as the applicant may use “scoop and dump” excavation. This would entail using an excavator tractor to move excavated material to trucks queued along the street. If scoop and dump excavation is used, then a truck wash and quarry spall will not be required.*
- *Using well-maintained equipment and avoiding prolonged periods of vehicle idling will reduce emissions from construction equipment and construction-related trucks.*
- *Using electrically operated small tools in place of gas powered small tools wherever feasible.*
- *Trucking building materials to and from the project site will be scheduled and coordinated to minimize congestion during peak travel times associated with adjacent roadways.*

These and other construction and noise management techniques shall be included in the Construction Impact/ Noise Impact Management Plan to be submitted for approval prior to issuance of construction permits.

Noise

The project is expected to generate loud noise during grading and construction. Compliance with the Noise Ordinance (SMC 25.08) is required and will limit the use of loud equipment registering 60 dBA (not including construction equipment exceptions in SMC 25.08.425) or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD. Construction noise is within the parameters of SMC 25.05.675.L, which states that the Noise Ordinance provides sufficient mitigation for most noise impacts. Any need to address specific additional noise restrictions because of particularly sensitive sites nearby will be addressed in the Construction Impact/Noise Impact Management Plan to be approved by DPD and SDOT prior to issuance of any construction permits.

Traffic and Circulation

Site preparation would involve removal of some earth in excavating for the foundation and partially below grade lower floor of the proposed building. Existing City code, Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62) designates major truck streets which must be used for hauling and otherwise regulates truck traffic in the city. The proposal site has relatively direct access to I-5 connecting via the arterial at NE 50th Street and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Traffic control would be regulated through the City's street use permit system, and a requirement for the contractor to meet all City regulations pertaining to the same. Compliance with Seattle's Street Use Ordinance administered by Seattle Department of Transportation (SDOT) is expected to mitigate any adverse impacts to traffic which would be generated during construction of this proposal and no further conditioning is necessary.

Temporary sidewalk or lane closures may be required during construction and temporary closures of sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of these closures shall be disclosed in the Construction/Noise Impact Study and actual closures coordinated with DPD as well as SDOT and approved in advance to ensure minimal disruptions.

Long-Term Impacts – Use-Related Impacts

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Parking Impacts

The proposed development will provide parking spaces only for bicycles. Although the target tenancy for the proposed units is a population not owning motor vehicles, there is nothing to prohibit a motor vehicle owner from renting one of the residential units. It is assumed that any vehicle parking demand will be accommodated by available on-street parking. Additionally, there will undoubtedly be some parking demand generated by visitors to the local residents as well as ongoing competition for available on-street parking spaces, especially when the nearby farmers' market is in use or when activities are underway in the community center across the street.

To disclose the impact to on-street parking, a parking demand analysis was requested by the Department and conducted on behalf of the applicant to establish per unit demands, based upon Census 2000 data. In a memo dated July 27, 2012, Transportation Engineering Northwest (TENW) identified a parking demand of 26 vehicles (0.49 vehicles per each of 44 studio units and 0.68 vehicles per each of the six two-bedroom units) for the project proposal. In order to provide a general understanding of the existing on-street parking supply in the University District, the memorandum referred to a study completed by the Seattle Department of Transportation (SDOT), completed in August 2011. That study, an analysis of on-street metered parking, showed that after 6:00 PM, spaces subject to metering between 8:00 AM and then, the end of paid parking hours, showed an occupancy range of between 87 and 102 percent.

Due to the location of the project within the University District Urban Center no on-site parking for motor powered vehicles is required per the land use code.

Nearby developments will also add additional on-street parking demand to the area. With the addition of a parking demand of 26 vehicles, the utilization rate in the immediate area would be expected to exceed capacity, which is considered 85 percent. Although SEPA Policy 25.05.675M states that it is the City's policy to minimize or prevent adverse parking impacts associated with development projects and specifically for parking impacts related to multifamily development in an area, Policy 25.05.675M2b2i states that there is no SEPA authority provided for the decision maker to mitigate the impact of development on parking availability for residential uses located within urban centers. Therefore no mitigation under SEPA is allowed.

Height, Bulk, and Scale

The design guidelines are intended to mitigate height, bulk and scale impacts under SEPA. A project that is approved pursuant to the design review process is presumed to comply with the City's SEPA policies regarding height, bulk, and scale. Through the design and environmental review process, DPD has found no evidence that height, bulk or scale was not adequately addressed through the design review process and compliance with the design guidelines. As such, no additional mitigation regarding height, bulk and scale is warranted or required.

DECISION – STATE ENVIRONMENTAL POLICY ACT (SEPA)

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

The proposed action is **APPROVED WITH CONDITIONS**.

CONDITIONS – SEPA

Prior to Issuance of any Construction, Shoring or Grading Permits

1. The applicant shall submit for review and approval a Construction/ Noise Impact Management Plan to the Land Use Planner and Noise-abatement officials at the Department of Planning and Development. The plan shall identify management of construction activities and noise, including anticipated construction hours, worker parking, traffic issues and any anticipated street or sidewalk closures.

During Excavation, Demolition, and Construction

2. Debris and exposed areas shall be sprinkled as necessary to control dust; a truck wash and quarry spall areas shall be provided on-site prior to the construction vehicles exiting the site if scoop and dump excavation is not used; and truck loads and routes shall be monitored to minimize dust-related impacts. Due to the small size of the site, an on-site truck wash and quarry spall may not be necessary or appropriate as the applicant may use “scoop and dump” excavation. This would entail using an excavator tractor to move excavated material to trucks queued along the street or alley. If scoop and dump excavation is used, then a truck wash and quarry spall shall not be required.

CONDITIONS DESIGN REVIEW

Prior to Issuance of the Master Use Permit

3. The applicant shall work with the land use planner and provide an acceptable design that will provide security and some sense of privacy for the patio amenity area at street level, facing at the corner of Brooklyn Avenue NE and NE 52nd Street; this could best be accomplished by means of both additional hard-scape and plantings and the arrangement of outside furniture that would curtail unwanted easy direct access off 52nd Avenue.

Signature: _____ (signature on file) Date: August 2, 2012
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development